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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53 (b))

Attorney Docket No. 81687

First Inventor ROMAY, Joaquin

Title TOE SOCK

Express Mail Label No. EV 322440529 US

U.S. PTO  
10772756  
020404**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status. See 37 CFR 1.27.
3.  Specification [Total Pages 21] (preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the disclosure
4.  Drawing(s)/35 U.S.C.113) [Total Sheets 1]
5. Oath or Declaration [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)
    - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

Mail Stop Patent Application  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement (when there is an assignee)  Power of Attorney
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17.  Other: Application Cover Sheet

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application Nos.: 10/158,780; 09/863,153

Prior application information: Examiner Hoey, Alissa L. Group Art Unit: 3765

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS** Customer Number

22242

OR

 Correspondence address below

|                   |  |                                   |              |          |              |
|-------------------|--|-----------------------------------|--------------|----------|--------------|
| Name              | Richard E. Wawrzyniak<br>FITCH, EVEN, TABIN & FLANNERY |                                   |              |          |              |
| Address           | 120 S. La Salle Street, Suite 1600                     |                                   |              |          |              |
| City              | Chicago  | State                             | IL           | Zip Code | 60603-3406   |
| Country           | USA  | Telephone                         | 858-552-1311 | Fax      | 858-552-0095 |
| Name (Print/Type) | Richard E. Wawrzyniak                                  | Registration No. (Attorney/Agent) |              |          | 36,048       |
| Signature         |  |                                   |              | Date     | 24/04        |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case.-Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-880-PTO-9199 and select option 2.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

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 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$818.00

Complete if Known

|                      |                |
|----------------------|----------------|
| Application Number   |                |
| Filing Date          |                |
| First Named Inventor | ROMAY, Joaquin |
| Examiner Name        |                |
| Group Art Unit       |                |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None
 Deposit Account

|                        |                               |
|------------------------|-------------------------------|
| Deposit Account Number | 06-1135                       |
| Deposit Account Name   | Fitch, Even, Tabin & Flannery |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION (continued)

3. ADDITIONAL FEES  
Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 240      | Design issue fee   |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

SUBTOTAL (1) \$385.

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid        |
|--------------------|--------------|----------------|-----------------|
| 49                 | -20**=       | 29             | X \$9. = \$261. |
| Independent Claims | 7            | -3**=          | 4 X 43. = 172.  |
| Multiple Dependent |              |                | 0 = 0           |

| Large Entity | Small Entity | Fee Description   |
|--------------|--------------|---|
| Fee Code     | Fee (\$)     | Fee Code Fee (\$)   |
| 1202         | 18           | 2202 9 Claims in excess of 20                                     |
| 1201         | 86           | 2201 43 Independent claims in excess of 3                         |
| 1203         | 290          | 2203 145 Multiple dependent claim, if not paid                    |
| 1204         | 86           | 2204 43 ** Reissue independent claims over original patent        |
| 1205         | 18           | 2205 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) |              | \$433.  |

\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$00.00

## SUBMITTED BY

Complete (if applicable)

|                   |   |                                      |        |           |              |
|-------------------|---|--------------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Richard E. Wawrzyniak   | Registration No.<br>(Attorney/Agent) | 36,048 | Telephone | 858-552-1311 |
| Signature         |  | Date                                 | 2404   |           |              |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|   |                        |                |
|---|------------------------|----------------|
| <b>NONPUBLICATION REQUEST<br/>UNDER<br/>35 U.S.C. 122(b)(2)(B)(i)</b> | First Named Inventor   | ROMAY, Joaquin |
|   | Title                  | TOE SOCK       |
|   | Attorney Docket Number | 81687          |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2/4/04  
\_\_\_\_\_  
Date



\_\_\_\_\_  
Signature

(858) 552-1311  
Telephone Number

Richard E. Wawrzyniak, Reg. No. 36,048  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO:** Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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